

PUBLIC HEARING COMMENTS FY 2009

Comment: One individual asked if the Masters Program for counselors had been discontinued, is it required and was it previously required?

Response: *The Masters Degree in Rehabilitation Counseling currently is not a requirement for hiring or maintaining the Vocational Rehabilitation Counselor position. However, the Division of Rehabilitation Services continues its practice of strongly encouraging and financially supporting staff in obtaining their Masters Degree in Rehabilitation Counseling.*

Comment: One individual asked if the continuation of last year's funding of federal dollars for Smyrna impacted vocational rehabilitation services and does it come out of money that would be going to people for education in their own community?

Response: *Any reduction in federal funds affects client service delivery in all areas. The comprehensive Tennessee Rehabilitation Center at Smyrna offers a variety of vocational rehabilitation services that complement the services that the Division of Rehabilitation Services provides itself and services that the Division of Rehabilitation Services purchases. The services provided by the comprehensive rehabilitation facility are both exceptional and demanded by clients as part of their informed choice in developing their individualized plans for employment. Reallocating funds from the Tennessee Rehabilitation Center at Smyrna to non facility based services would not allow the Tennessee Rehabilitation Center at Smyrna to meet the current client demand for its services, and in many cases, would deprive clients of customized and integrated rehabilitation services that are not available anywhere else.*

Comment: An issue was presented that having one public hearing is not having hearings throughout the state, and throughout the state it should be in person and member of the administrations and not just staff members. The administration should be going throughout the state listening to real people.

Response: *The Division of Rehabilitation Services continued the practice of holding six public hearings (Johnson City, Knoxville, Chattanooga, Nashville, Jackson and Memphis) this year as in years past. The Division of Rehabilitation Services adopted the new format of having regional supervisors conduct the hearings upon the request and recommendation of the State Rehabilitation Council. The Division of Rehabilitation Services agrees with the State Rehabilitation Council that the new format reduces travel costs for Nashville-based staff, and these cost savings yield more client service dollars. All comments received during the public hearings are reviewed and answered by the Assistant Commissioner of the Division of Rehabilitation Services.*

Comments: There was concern over the fact that very little time is given to read over the Plan and therefore their opportunity for real input has very little weight. The Plan has never been given out ahead of time for the last 3 or 5 years which makes it difficult to read and to make sense of a 40 page document and ask questions.

Response: *The following are the extensive efforts made to notify the interested members of the rehabilitation community of the Plan and to solicit its comments:*

Public notice of the hearings that were held statewide between May 19 and May 22 was made on April 23, 2008. In addition to being posted on the Department of Human Services website, the notice was distributed by e-mail or post office to:

- *All State Rehabilitation Council members (16);*
- *All State Independent Living Council members (8);*
- *6 centers for independent living;*
- *12 career centers;*
- *5 technology access centers;*
- *6 centers for the deaf and hard of hearing;*
- *16 community rehabilitation centers;*
- *204 community resource providers; and*
- *All VR offices across the state.*

The notice contained information on the public hearings, how to access the draft state plan, and the comments submission process. In addition, we asked these groups to circulate the notification of the public hearings to their staff members, clients, and other interested and appropriate parties. The draft state plan was made available at the public hearings (in various accessible formats) and was also posted on the internet prior to the public hearings being held. Finally, a media advisory was sent to 147 media outlets across the state on May 14, 2008 communicating the hearings and availability of the draft state plan.

This year, the Division also handed out over 250 draft FY2009 state plans to attendees of the MegaConference and discussed the need for their input.

Comments on the draft state plan had a response due date of June 6, so there was ample time for individuals to thoroughly review the document and provide comments and feedback.

Comment: One individual asked if the Division of Rehabilitation Services was looking at increasing the workforce in Tennessee since the State just passed a law for long term care which means a lot of people are going to be able to get services in the homes and in the community, which also mean a huge increase or need for attendants and CNAs in the workforce.

Response: *The Division of Rehabilitation Services has adequate staff to service its active vocational rehabilitation clients. There are no immediate plans to increase its workforce.*

Comment: One individual asked if there was going to be any investigation by the Division of Rehabilitation Services into companies that have a revolving door system to make money off of vocational rehabilitation services. A local Pizza Hut call-in-center

was used as an example. Consumers get a job and a decent schedule but as soon as they finished their 90 days, their schedule changes so that it doesn't work for the consumer. They are out of a job. What is vocational rehabilitation willing to do to stop this?

Companies used the training and full employment that is provided through rehab services. He stated they are not fired, but bumped into a bad schedule that cause consumers not be able to keep the job. Saw the same thing happen with Goodwill. Ask if the Division of Rehabilitation Services saw a rotation of that happening with consumers going through the same companies?

It was suggested that one thing is that they don't have to pay benefits and they get away with it. It's a way to get free labor. It is a Title I concern, something that EEOC may need to get involved in.

Response: *This type of conduct is not acceptable for contractors or vocational rehabilitation staff members. If this conduct is suspected, please report these concerns specifically and in writing to the Division of Rehabilitation Services Regional Supervisor. The Regional Supervisor will then consider the concerns/allegations and gather information if needed. If appropriate, the Regional Supervisor will consult with the Director of Field Operations and if warranted, an investigation will be conducted. If it is found that a community rehabilitation provider is not providing the services expected and agreed upon, the Division of Rehabilitation Services will take immediate and appropriate action. The Division of Rehabilitation Services of Rehabilitation is committed to providing the very best services possible to its clients which includes services contracted through community rehabilitation providers.*

Comments: The Division of Rehabilitation Services should change their paradigm, so consumers can have more choices in their services.

Response: *The Division of Rehabilitation Service's vision for vocational rehabilitation is: To enhance the development of a diverse workforce so that individuals with disabilities can achieve and maintain meaningful careers. To do that, we focus on clients, counseling, and careers. Client informed choice falls right into our vision and is mandated by federal law. It is unclear from the comment what "paradigm" limits client choice.*

Comments: The Client Assistant Program (CAP) representative explained that their Annual Report is now on the RSA website and can be viewed there. CAP commended and thanked the Division of Rehabilitation Services for opening up some of the Order of Selection category waiting list cases to include more individuals to be served. CAP was also appreciative of the Division of Rehabilitation Services hiring the new job placement counselors. CAP stated that the 15-hour rule for student course study was the most complaint they received and they hoped it could be under consideration for making this 12-hours and then make exceptions from there.

Response: *The Division of Rehabilitation Services is aware that Tennessee universities define “full time student” as enrollment in a minimum of 12 credit hours per semester, but they still require 120 credit hours for a bachelor’s degree. The 12 credit hour rate of study would result in five years, rather than the typical four years, to achieve a bachelor’s degree. This adds significant cost to training services, which is already the highest client service expenditure. The Division of Rehabilitation Services believes that, especially while under an Order of Selection, it has a responsibility to minimize excess cost that is not tied to a disability justification.*

Additionally, the Division of Rehabilitation Services does not presume that individuals with disabilities are less able than their peers without disabilities to complete a bachelor’s degree in four years (15 credit hours per semester). Nevertheless, the Division of Rehabilitation Services is committed to tailoring service to the individual needs of clients and grants exceptions is to university attendance policy in instances where:

- a. The client’s disability is too severe,*
- b. The client has a temporary illness or has had a recent accident,*
- c. The client needs time to adjust to the requirements of college,*
- d. There are not enough class hours available for the term or*
- e. A student in good standing needs fewer than 12 hours during the final semester*

The exceptions are granted liberally, and clients are given clear notice of the opportunity for such exceptions. A client enrolling in post-secondary education is required to review and sign our “Student Letter of Understanding”. This document, which has been approved by the State Rehabilitation Council, clearly communicates that a client “may have reason to request an exception to attendance requirements,” details some of the criteria, and outlines how to request an exception.

The Division of Rehabilitation Services has not denied exceptions to this policy to any clients able to meet the criteria. Both the Division of Rehabilitation Services and the federal Rehabilitation Services Administration have requested that CAP provide specific data to show where a client has been denied unnecessarily an exception to this attendance policy. CAP has not provided such data.

Comment: One individual explained that the State Rehabilitation Council was appreciative of the Division of Rehabilitation Services continuing their efforts to serve Transition from School to Work clients. The State Rehabilitation Council was pleased that the Division of Rehabilitation Services had chosen to accept the State Rehabilitation Council’s suggestion that the Division of Rehabilitation Services have local vocational rehabilitation staff members conduct the hearings. The individual indicated that occasionally they have some complaints about a few of the job placement agencies, but there were never complaints about the Star Center and he appreciated the working relationship with them.

Response: *Thank you for the comment. Any complaints regarding any vendors working with the Division of Rehabilitation Services clients should be made to the Regional Supervisor.*

Comment: One individual commented that it would be very helpful if the State Plan could have the pages numbered to make it easier to locate particular information.

Response: *The draft state plan that is sent out to the public and used during public hearings should have page numbers on them. Thank you for your comment and we will make a concerted effort to ensure this is done in the future.*

Comment: One individual wanted to know when is the next needs assessment and State Plan scheduled to be done.

Response: *The next needs assessment is due to be included in the FY2011 State Plan and will be conducted in FY2010.*

Comment: One individual explained that the new Ticket to Work regulations came out the day of the public hearing. More people will be eligible and Supported Employment will be a goal of mine.

Response: *Thank you for your comment.*

Comment: I look forward to seeing the State Rehabilitation Council's website that is in development. Could you place the vocational rehabilitation program manual there, or include a link to its location on the Division of Rehabilitation Services site?

Response: *The Division of Rehabilitation Services will certainly consider adding a vocational rehabilitation policy manual link (now located on the Department of Human Services/Division of Rehabilitation Services website) to the State Rehabilitation Council website.*

Comment: Cathy Randall offered to make a presentation to the State Rehabilitation Council on the new Ticket to Work regulations or other work incentives/topics at your request.

Response: *The Division of Rehabilitation Services appreciates the offer and will coordinate such presentations with the State Rehabilitation Council Chair.*

Comment: Is there any way the Division of Rehabilitation Services could consider some sort of educational leave for counselors participating in the Master's programs? It seems like this would be an incentive to entice participation.

Response: *The Division of Rehabilitation Services does allow work time to be used for those programs that require week long on-campus participation. In addition, the*

Division of Rehabilitation Services also allows staff who are enrolled in a Master's Degree in Rehabilitation Counseling program to adjust their weekly work schedule so that they may attend on-line course which take place during regular work hours. The Division of Rehabilitation Services will also consider other work time to complete school work; however, the clients the staff serve must be first priority.

Comment: Please clarify the location of the area for comments on the Division of Rehabilitation Services website. Please draw some attention to this link so any user can find it.

Response: *The Division of Rehabilitation Services web site for review and comment on the state plan can be found [http://state.tn.us/humanserv/rehab/vocational rehabilitations.htm](http://state.tn.us/humanserv/rehab/vocational_rehabilitations.htm). This was listed in the information that went out prior to the public meetings and given again at the public meetings.*

Comment: Those who have applied for services and are eligible but in an un-served category will be excellent candidates to be served through Employment Networks under the Ticket to Work program. Is there a formal referral process in place that all counselors can utilize?

Response: *Almost all of the clients who are eligible for the Ticket to Work Program are also eligible for vocational rehabilitation services and placed in the most significantly disabled category and therefore can receive vocational rehabilitation services. For those very few eligible individuals receiving SSA benefits that are placed in a category that is not open for services, the Vocational Rehabilitation Counselor has an obligation to make a referral to all resources available that might be able to provide the needed services to these individuals.*

Comment: Attachment 4.11(d) - State's Strategies and Use of Title I Funds for Innovation and Expansion Activities - Is the state prepared to offer the training outlined in item 11?

Response: *Yes, the Division of Rehabilitation Services is ready to provide this training at any time that it is needed and/or requested.*